

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 884**

Introduced by McGill, 26.

Read first time January 11, 2010

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-1231, Reissue  
2 Revised Statutes of Nebraska, and sections 48-1230 and  
3 48-1232, Revised Statutes Cumulative Supplement, 2008;  
4 to require employers to provide employees with wage  
5 and deduction information as prescribed; to provide a  
6 remedy; to harmonize sections; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 48-1230, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           48-1230 (1) Except as otherwise provided in this section,  
4 each employer shall pay all wages due its employees on regular  
5 days designated by the employer or agreed upon by the employer and  
6 employee. Thirty days' written notice shall be given to an employee  
7 before regular paydays are altered by an employer. An employer  
8 may deduct, withhold, or divert a portion of an employee's wages  
9 only when the employer is required to or may do so by state or  
10 federal law or by order of a court of competent jurisdiction or  
11 the employer has written agreement with the employee to deduct,  
12 withhold, or divert.

13           (2) Within ten working days after a request is made by an  
14 employee, an employer shall furnish such employee with an itemized  
15 statement listing the wages earned and the deductions made from the  
16 employee's wages under subsection (1) of this section for each pay  
17 period earnings and deductions were made. The statement shall be in  
18 print or electronic format, whichever is requested by the employee.

19           ~~(2)~~ (3) Except as otherwise provided in section  
20 48-1230.01:

21           (a) Whenever an employer, other than a political  
22 subdivision, separates an employee from the payroll, the unpaid  
23 wages shall become due on the next regular payday or within two  
24 weeks of the date of termination, whichever is sooner; and

25           (b) Whenever a political subdivision separates an

1 employee from the payroll, the unpaid wages shall become due within  
2 two weeks of the next regularly scheduled meeting of the governing  
3 body of the political subdivision if such employee is separated  
4 from the payroll at least one week prior to such meeting, or if an  
5 employee of a political subdivision is separated from the payroll  
6 less than one week prior to the next regularly scheduled meeting of  
7 the governing body of the political subdivision, the unpaid wages  
8 shall be due within two weeks of the following regularly scheduled  
9 meeting of the governing body of the political subdivision.

10           Sec. 2. Section 48-1231, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           48-1231 (1) An employee having a claim for wages which  
13 are not paid within thirty days of the regular payday designated or  
14 agreed upon may institute suit for such unpaid wages in the proper  
15 court. If an employee establishes a claim and secures judgment  
16 on the claim, such employee shall be entitled to recover (1) the  
17 full amount of the judgment and all costs of such suit and (2)  
18 if such employee has employed an attorney in the case, an amount  
19 for attorney's fees assessed by the court, which fees shall not be  
20 less than twenty-five percent of the unpaid wages. If the cause is  
21 taken to an appellate court and the plaintiff recovers a judgment,  
22 the appellate court shall tax as costs in the action, to be paid  
23 to the plaintiff, an additional amount for attorney's fees in such  
24 appellate court, which fees shall not be less than twenty-five  
25 percent of the unpaid wages. If the employee fails to recover a

1 judgment in excess of the amount that may have been tendered within  
 2 thirty days of the regular payday by an employer, such employee  
 3 shall not recover the attorney's fees provided by this section. If  
 4 the court finds that no reasonable dispute existed as to the fact  
 5 that wages were owed or as to the amount of such wages, the court  
 6 may order the employee to pay the employer's attorney's fees and  
 7 costs of the action as assessed by the court.

8 (2) An employee having a claim for lack of an itemized  
 9 statement requested under subsection (2) of section 48-1230 may  
 10 institute suit for an injunction to order the employer to comply.  
 11 The employee shall be awarded reasonable attorney's fees if an  
 12 injunction is ordered.

13 Sec. 3. Section 48-1232, Revised Statutes Cumulative  
 14 Supplement, 2008, is amended to read:

15 48-1232 If an employee establishes a claim and secures  
 16 judgment on such claim under subsection (1) of section 48-1231: (1)  
 17 An amount equal to the judgment may be recovered from the employer;  
 18 or (2) if the nonpayment of wages is found to be willful, an amount  
 19 equal to two times the amount of unpaid wages shall be recovered  
 20 from the employer. Any amount recovered pursuant to subdivision (1)  
 21 or (2) of this section shall be remitted to the State Treasurer  
 22 for distribution in accordance with Article VII, section 5, of the  
 23 Constitution of Nebraska.

24 Sec. 4. Original section 48-1231, Reissue Revised  
 25 Statutes of Nebraska, and sections 48-1230 and 48-1232, Revised

LB 884

LB 884

1 Statutes Cumulative Supplement, 2008, are repealed.